APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,886	08/27/2001	Kevin O'Rourke	2001P07800US01	4813

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EXAMINER
LUU, SY D

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/939,886	O'ROURKE, KEVIN
		Examiner	Art Unit
		Sy D. Luu	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   In view of the appeal brief filed on December 19, 2005, PROSECUTION IS HEREBY

REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following

two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37

CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

2.   Claims 1-22 are pending in this application. Claims 1, 17 and 22 are independent claims.

This action is made Final.

3.   The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

Claim Rejections – 35 USC § 103

4.   Claims 1-8 and 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mayaud (US 5,845,255) in view of Obradovich et al. ("Obradovich", US 20020013815 A1).

As per claim 1, Obradovich teaches a method for transferring medical record information

of a patient between portable processing devices, comprising the steps of:

As per claim 1, Mayaud teaches a method for transferring medical record information of

a patient between processing devices (Fig. 16; Col. 45, lines 18 et seq.; portable devices 200 and

host computer 206), comprising the steps of: on a first portable processing device, selecting

information to be transferred in response to user command (Fig's 1-2; col. 45, lines 18-36);

establishing a bidirectional communication link with a second processing device (Col. 45, lines

64-66; *two-way data transfers*); and communicating patient identification information and said

selected information on said established communication link in response to user selection of a

displayed icon (Figs. 1-2; col. 10, lines 11-31; col. 50, lines 48-54; *users communicate patient*

record access *code or patient identification and selected information via various icon menu*

options, e.g. elements 16-32).

While Mayaud teaches bi-directional communication of patient information between

portable devices 200 and a host computer 206 (Fig. 16; col. 45, lines 64-66), Mayaud does not

disclose the communication to take place between portable devices 200. Obradovich teaches a

method of medical information being transferred between two mobile devices (Fig. 2; page 2,

para. [0014]; page 3, paragraph [0041]; page 1, para. [0008]; page 7, para. [0081]). It would

have been obvious to an artisan at the time of the invention to include Obradovich's teaching

with Mayaud's method so that patient medical records could be shared quickly and effectively

not just between portable devices and a host computer, but also between the portable devices

themselves, and thus further expanding the sharing and updating of medical information

capabilities.

As per claim 2, the method of Mayaud and Obradovich teaches said established communication link with said second portable processing device to include a wireless link (Mayaud: fig. 16, col. 45, lines 35-38; Obradovich: fig. 2, page 2, para. [0039]); and

said step of selecting information to be transferred comprises selecting at least one of, (a) medical information associated with a plurality of patients, (b) medical information associated with a specific patient, (c) laboratory test results for a specific patient, (d) a medical report associated with a plurality of patients and (e) medical information associated with a specific healthcare provider and an associated group of patients (Mayaud: Abstract; fig. 1; col. 10, lines 11-31).

As per claim 3, Mayaud teaches said step of selecting information to be transferred includes the step of supporting user navigation, in response to user command, through a plurality of display images to enable selection of the information to be transferred (col. 26, lines 2-30).

As per claim 4, Mayaud teaches the step of configuring the method of transferring patient record information between portable processing devices by pre-selecting data elements comprising the patient identification information (fig. 1; col. 10, lines 11-31).

As per claim 5, Mayaud teaches a method for transferring medical record information of a patient between portable processing devices wherein the data elements comprising the patient identification information include at least two of (a) username, (b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification supporting return of control to the calling application upon completion of communication on an established link (col. 10, lines 12-15 and 44-51; col. 17, lines 44-53).

As per claim 6, Mayaud teaches the steps of validating user authorization to access the selected information, and inhibiting communication of the selected information on the established communication link in response to unsuccessful validation of user authorization to access the selected information (col. 10, lines 12-15).

As per claims 7-8, Mayaud teaches the steps of authorizing a second user access to the selected information, the second user being an intended recipient of the communicated selected information, inhibiting communication of the selected information on the established communication link in response to unsuccessful validation of second user authorization to access the communicated selected information, and receiving second user authorization information identifying a second user's authorization to access the selected information (col. 10, lines 20-31).

As per claim 17, the teaching of Mayaud and Obradovich on a method for receiving medical record information communicated to a first receiving portable processing device from a second portable processing device via the establishment of a bidirectional communication link have already been addressed in previous paragraphs, and thus the limitations which are similar in scope thereto would have been rejected under similar rationale. Mayaud further teaches the steps of, on a first receiving portable processing device: validating user authorization to access medical information, inhibiting access to the medical information in response to unsuccessful validation of user authorization, the inhibiting access being performed by at least one of (a) inhibiting receiving the medical information the associated patient identification information on the established communication link, and (b) inhibiting storing the medical information and

associated patient identification information received on the established communication link (col. 10, lines 12-31),

As per claim 18, Mayaud teaches the steps of initiating generation of a message to prompt a user to affirm receipt of the medical information is desired, and inhibiting receipt of the medical information in response to a non-affirmation (Mayaud: col. 10, lines 12-31; col. 18, lines 42-46; *users may set the level of medical information access so that only those allowed access may affirm their accessibility for receipt of the medical information and those not able to affirm their accessibility is denied receipt of the medical information).*

As per claim 19, the method of Mayaud and Obradovich teaches said established communication link with the second portable processing device to include a wireless link (Mayaud: fig. 16, col. 45, lines 35-38; Obradovich: fig. 2, page 2, para. [0039]), and the validation of user authorization to comprise password validation (Mayaud: col. 10, lines 12-31).

As per claim 20, Mayaud teaches the step of configuring the method of transferring patient record information between portable processing devices by pre-selecting data elements comprising the patient identification information (Mayaud: fig. 1; col. 10, lines 11-31).

As per claim 21, Mayaud teaches said data elements comprising said patient identification information to include at least two of (a) username, (b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f) calling application identification supporting return of control to the calling application upon completion of communication on an established link (col. 10, lines 12-15 and 44-51; col. 17, lines 44-53).

Claim 22 is similar in scope to claim 1, and is therefore rejected under similar rationale.

5.   Claims 9, 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mayaud (US 5,845,255) in view of Obradovich et al. ("Obradovich", US 20020013815 A1) as

applied to claim 1, and further in view of Microsoft Internet Explorer 5.0 ("IE").

As per claim 9, Mayaud teaches the step of storing a plurality of communication settings

associated with a plurality of corresponding communication links wherein an acknowledgement

is received within a predetermined time-out window, indicating a communication link with a

second portable processing device is established (col. 12, lines 18-33; fig. 3; col. 42, lines 9-12;

col. 25, lines 15-19; *the message "Remote Retrieval" is displayed when additional time is taken*

to access remote databases while update button 58 in window 39 can be a *simple blinking*

indicator alerting the user that their device is communicating with the host computer). However,

Mayaud does not explicitly disclose the step of sequentially initiating communication on

individual communication links, one at a time, using associated corresponding communication

settings until an acknowledgement is received within a predetermined time-out window,

indicating a communication link with a second portable processing device is established. IE

teaches sequentially initiating communication on individual communication links, one at a time,

using associated corresponding communication settings (pages 1-2). Therefore, it would have

been obvious to an artisan at the time of the invention to include IE's sequentially initiating

communication on individual communication links, one at a time, using associated

corresponding communication settings to the method of Mayaud and Obradovich so that in case

of a bad channel, connection can still be established.

As per claim 10, Mayaud teaches said plurality of communication links comprise at least

two (a) connection via a PC compatible serial port, (b) connection via an infra-red link to a PC

compatible serial port, (c) connection via an Ethernet compatible network (d) connection via an

infra-red link to an Ethernet compatible network and (e) a wireless network connection (col. 45,

line 35 through col. 46, line 15).

As per claims 12, 14 and 16, the method of Mayaud-Obradovich-IE teaches said

established communication link with the second portable processing device includes a wireless

link (Mayaud: fig. 16, col. 45, lines 35-38; Obradovich: fig. 2, page 2, para. [0039]), and the

communication settings comprise a set of communication settings applicable to a corresponding

individual communication link and wherein the initiating communication step comprises

initiating communication on the plurality of communication links one at a time ˙in a

predetermined sequential order and including the step of repeating the initiating communication

step for a predetermined number of times until a connection is established or a communication

failure is declared (IE: pages 1-2; Mayaud: fig. 3; col. 42, lines 9-12; col. 25, lines 15-19).

As per claim 13, the method of Mayaud-Obradovich-IE teaches said set of communication

settings include at least two of (a) data rate, (b) protocol identifier, (c) sender identifier code, (d)

error handling code identifier and (e) data format identifier (IE: pages 1-3; Mayaud: fig. 3; col.

42, lines 9-12; col. 25, lines 15-19; col. 45, line 35 through col. 46, line 15).

As per claim 15, Mayaud teaches the step of communicating at least two of (a) username,

(b) password, (c) patient identifier, (d) patient gender identifier, (e) patient birth date and (f)

calling application identification supporting return of control to the calling application upon

completion of communication on an established link (Mayaud: col. 10, lines 12-15 and 44-51).

6.   Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mayaud (US

5,845,255), Obradovich et al. ("Obradovich", US 20020013815 A1) and Microsoft Internet

Explorer 5.0 ("IE") as applied to claim 9, and further in view of Rothschild et al. ("Rothschild").

As per claim 11, while the method of Mayaud-Obradovich-IE teaches said step of

sequentially initiating communication being performed to establish communication (Mayaud:

fig. 3; col. 42, lines 9-12; col. 25, lines 15-19), the method of Mayaud-Obradovich-IE does not

explicitly disclose that the step of sequentially initiating communication is performed upon

detection of a lost connection. Rothschild teaches a method for transferring medical record

information of a patient between processing devices (page 9, paragraph [0086]) wherein a step of

sequentially initiating communication is performed automatically upon detection of a lost

connection to support seamless operation (page 9, paragraph [0088]). Therefore, it would have

been obvious to an artisan at the time of the invention to include Rothschild's step of sequentially

initiating communication automatically upon detection of a lost connection to support seamless

operation to the method of Mayaud-Obradovich-IE in order to provide users with uninterrupted

communication and save time from having to manually reestablish communication.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-22 have been considered but are moot in

view of the new ground(s) of rejection. Applicant's arguments are mainly focused on the failure

of the teachings of Mayaud and Evans on the limitations of a "bidirectional communication link"

between "portable devices." It is agreed that the citations from Mayaud were not clear, as well

as the mis-interpretations of the Evans reference regarding the aforementioned limitations.

Rather, the claims are being rejected in view of Mayaud and Obradovich, wherein the teaching

on "bidirectional communication link" is clarified in Mayaud, as well as the "bidirectional

communication link between portable devices" is being cited from the teaching of Obradovich.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sy Luu whose telephone number is **(571) 272-4064**. The

examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is

(571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SY D. LUU
PRIMARY EXAMINER
ART UNIT 2174

SDL: 6/12/06